

Union Calendar No. 97

109TH CONGRESS
1ST SESSION

H. R. 940

[Report No. 109–161]

To amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. KELLER (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. WELDON of Florida, Mr. SHAW, Ms. ROS-LEHTINEN, Mr. FOLEY, Ms. HARRIS, Mr. DICKS, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. RENZI, Mr. BROWN of South Carolina, Mrs. MILLER of Michigan, Mr. TAYLOR of Mississippi, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Education and the Workforce

JUNE 30, 2005

Additional sponsors: Mr. FEENEY, Mr. MACK, Mr. KNOLLENBERG, Mr. KLINE, Mr. BOUSTANY, Mr. PUTNAM, Mr. ROGERS of Kentucky, Mr. BILIRAKIS, Mr. DAVIS of Florida, and Mr. WAMP

JUNE 30, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recreational Marine
 5 Employment Act of 2005”.

6 **SEC. 2. CLARIFICATION OF RECREATIONAL VESSEL WORK-**
 7 **ER EXEMPTION.**

8 The Longshore and Harbor Workers’ Compensation
 9 Act (33 U.S.C. 901 et seq.) is amended as follows:

10 (1) Section 2 (33 U.S.C. 902) is amended—

11 (A) in paragraph (3)—

12 (i) so that subparagraph (C) reads as
 13 follows:

14 “(C) individuals employed by or at, or en-
 15 gaged in the construction or maintenance of, a
 16 recreational marine facility or structure;”;

17 (ii) so that subparagraph (F) reads as
 18 follows:

19 “(F) individuals employed principally to
 20 build, repair, test, maintain, accommodate, buy,
 21 sell, store, restore, transport by land, or dis-
 22 mantle a recreational vessel;” and

23 (iii) by striking the unenumerated text
 24 following subparagraph (H) and inserting
 25 the following:

1 “if the employer of an individual described in subpara-
 2 graphs (A) through (F) is in compliance with a State
 3 workers’ compensation law.”; and

4 (B) by redesignating paragraph (22) as
 5 paragraph (24) and inserting after paragraph
 6 (21) the following new paragraphs:

7 “(22) The term ‘recreational marine facility or
 8 structure’ means a place used principally to build,
 9 repair, test, maintain, accommodate, buy, sell, store,
 10 restore, or dismantle recreational vessels.

11 “(23) The term ‘recreational vessel’ means a
 12 vessel manufactured principally for pleasure use.”.

13 (2) Section 5(b) (33 U.S.C. 905(b)) is amended
 14 by striking “a person covered under this Act” and
 15 inserting “a person in maritime employment who
 16 does not qualify as a seaman under section 20 of the
 17 Act of March 4, 1915 (46 App. U.S.C. 688; Chap.
 18 153; 38 Stat. 1185) (as such section was amended
 19 by section 33 of the Merchant Marine Act, 1920
 20 (Chap. 250, 41 Stat. 1007; commonly known as the
 21 Jones Act))”.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Recreational Marine*
 24 *Employment Act of 2005”.*

1 **SEC. 2. CLARIFICATION OF RECREATIONAL VESSEL WORK-**
 2 **ER EXEMPTION.**

3 *The Longshore and Harbor Workers’ Compensation*
 4 *Act (33 U.S.C. 901 et seq.) is amended as follows:*

5 (1) *Section 2 (33 U.S.C. 902) is amended—*

6 (A) *in paragraph (3)—*

7 (i) *so that subparagraph (C) reads as*
 8 *follows:*

9 “(C) *individuals employed by or at, or en-*
 10 *gaged in the construction or maintenance of, a*
 11 *recreational marine facility or structure;” and*

12 (ii) *so that subparagraph (F) reads as*
 13 *follows:*

14 “(F) *individuals employed primarily to*
 15 *build, repair, test, maintain, accommodate, buy,*
 16 *sell, store, restore, transport by land, or dis-*
 17 *mantle a recreational vessel;”;* and

18 (B) *by redesignating paragraph (22) as*
 19 *paragraph (24) and inserting after paragraph*
 20 *(21) the following new paragraphs:*

21 “(22) *The term ‘recreational marine facility or*
 22 *structure’ means a place used primarily to build, re-*
 23 *pair, test, maintain, accommodate, buy, sell, store, re-*
 24 *store, or dismantle recreational vessels.*

25 “(23) *The term ‘recreational vessel’ means a ves-*
 26 *sel manufactured primarily for pleasure use.”.*

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